UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,682	12/17/2001	Raymond Jay Harper	BS01-327	8075

7590   07/26/2005

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EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/015,682	HARPER ET AL.
Office Action Summary	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The use of the trademark NavisCore has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 25-29 are rejected to because of the following informalities: Claims 25-27 are dependent upon themselves, and as such have not been treated on the merits because the Examiner cannot ascertain what Applicant's intended antecedent basis for the claims is. Claims 28-29 are dependent from claim 25, and also have not been treated on the merits for the above reasons. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-6, 9-10, 12, 17-19, 21-24, and 35-43 are rejected under 35 U.S.C. 102(b) as being

anticipated by Ballard et al. (U.S. Patent No. 4,937,825).

6.   In regard to claims 1, 17, 21, 35, 38 and 41, Ballard discloses *a first communications link coupled*

to the network element, the first communications link to carry communications to and from a customer;

and a computer, the computer coupled to the network element, the computer including a processor and a

memory, the memory storing a plurality of instructions to be executed by the processor, the plurality of

instructions including instructions to receive a network element identifier, the network element identifier

corresponding to the network element, receive a network element fault information processing instruction;

receive network element fault information; and process the network element fault information based at

least in part on the received network element fault information processing instruction. Ballard discloses a

remote network fault detection monitoring system that sends commands to diagnose network elements

and reports the results to the user. See Ballard, column 3, lines 31-45, column 3, lines 51-61, column 4,

lines 3-23, column 4, lines 39-67, column 5, lines 2-4.

7.   In regard to claim 2, Ballard is applied as in claim 1. Ballard further discloses *instructions to*

prompt a user to enter the network element identifier. See Ballard, column 4, lines 41-49.

8.   In regard to claim 3, Ballard is applied as in claim 1. Ballard further discloses *instructions to*

prompt a user to enter the network element fault information processing instruction. See Ballard, column

4, lines 41-49.

9.   In regard to claim 4, Ballard is applied as in claim 1. Ballard further discloses *instructions to*

query for the network element fault information based at least in part on the received network element

identifier. See Ballard, column 4, lines 50-67.

10.   In regard to claims 5, 23, 36, 39 and 42, Ballard is applied as in claims 1, 22, 35, 38 and 41.

Ballard further discloses *instructions to identify network element fault information corresponding to one or*

more network element faults. See Ballard, column 4, line 50 – column 5, line 4.

11.   In regard to claims 6 and 19, Ballard is applied as in claims 5 and 18. Ballard further discloses

instructions to summarize the identified network element fault information corresponding to one or more

network element faults. See Ballard, column 5, lines 1-4.

12.   In regard to claim 9, Ballard is applied as in claim 1. Ballard further discloses *the network element fault information is associated with one or more of the network element and the communications link*. See Ballard, column 4, line 50 – column 5, line 4.

13.   In regard to claim 10, Ballard is applied as in claim 9. Ballard further discloses *the network element fault information is associated with the communications link*. See Ballard, column 4, lines 11-16.

14.   In regard to claim 12, Ballard is applied as in claim 1. Ballard further discloses *the network element is a switch; and the communications link includes one or more communications circuits*. See Ballard, column 9, lines 9-54.

15.   In regard to claims 18, 37, 40 and 43, Ballard is applied as in claims 17, 36, 39 and 42. Ballard further discloses *the network element is selected from the group consisting of a switch, a core switch, an edge switch, a circuit, a permanent virtual circuit, a permanent virtual path, a logical port, and a customer premises equipment*. See Ballard, column 9, lines 9-54.

16.   In regard to claim 22, Ballard is applied as in claim 21. Ballard further discloses *receiving one or more of a switch identifier, a circuit identifier, and a logical port identifier*. See Ballard, column 7, lines 1-20, column 9, lines 9-54, column 10, lines 7-24.

17.   In regard to claim 24, Ballard is applied as in claim 22. The limitations of *the network element identifier corresponds to at least one of a circuit and a logical port* have already been met in the rejection of claim 22.

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19.   Claims 7-8, 16, 20, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard as applied to claims 6, 18, 21 above, and further in view of Mayo et al. (U.S. Patent No. 5,751,965).

20.   In regard to claim 7, Ballard fails to disclose determining faults corresponding to chronological periods. Ballard does disclose a method of identifying and diagnosing network faults. Mayo discloses in the same field of endeavor detecting network faults or alarms and recording them based upon the time the alarm occurred. See Mayo, column 10, lines 47-65, Figure 12. As Ballard seeks to make diagnosis of problems straightforward to the user [Ballard, column 1, lines 30-56, lines 59-67, column 2, lines 1-7, lines 38-52, column 18, lines 3-6, lines 26-50] and Mayo discloses ways to store and display information about network problems [Mayo, column 5, lines 45-53], it would be obvious to one of ordinary skill in the art to combine the alarm time recording mechanism of Mayo with the network management system of Ballard to allow one to analyze data based on when the events occurred [*corresponding to one or more chronological periods*].

21.   In regard to claims 8 and 16, Ballard is applied as in claims 6 and 13. Ballard fails to disclose determining a number of first network element faults and a number of second element faults. Ballard does disclose a method of identifying and diagnosing network faults. Mayo discloses in the same field of endeavor detecting network faults or alarms and recording them. See Mayo, column 10, lines 47-65, figure 12, item 126. As Ballard seeks to make diagnosis of problems straightforward to the user [Ballard, column 1, lines 30-56, lines 59-67, column 2, lines 1-7, lines 38-52, column 18, lines 3-6, lines 26-50] and Mayo discloses ways to store and display information about network problems [Mayo, column 5, lines 45-53], it would be obvious to one of ordinary skill in the art to combine the event recording mechanism of Mayo with the network management system of Ballard to allow one to analyze data based on what type of events occurred.

22.   In regard to claim 20, Ballard is applied as in claim 18. The additional limitations of claim 20 are substantially the same as the additional limitations of claim 7; therefore the rejection of claim 7 is applied against claim 20.

23.   In regard to claims 30 and 32, Ballard is applied as in claim 21. As in the rejection of claim 7,

Ballard fails to disclose storing chronological information about error events in a network. Ballard does

disclose a method of identifying and diagnosing network faults. Mayo discloses in the same field of

endeavor detecting network faults or alarms and recording them based upon the time the alarm occurred.

See Mayo, column 10, lines 47-65, Figure 12. Figure 12 further shows *generating a data record, the data*

record including a plurality of data entries, each data entry of at least a subset of the plurality of data

entries including a chronological identifier field and a network element fault indicator field, the

chronological identifier field to. store a chronological identifier, the network element fault indicator field to

store a network element fault indicator. As Ballard seeks to make diagnosis of problems straightforward

to the user [Ballard, column 1, lines 30-56, lines 59-67, column 2, lines 1-7, lines 38-52, column 18, lines

3-6, lines 26-50] and Mayo discloses ways to store and display information about network problems

[Mayo, column 5, lines 45-53], it would be obvious to one of ordinary skill in the art to combine the alarm .

time recording mechanism of Mayo with the network management system of Ballard to allow one to store

data based on when the events occurred.

24.   In regard to claims 31 and 34, Ballard in view of Mayo is applied as in claims 30 and 32. Mayo

further discloses *the network element fault indicator is a numeric value* and *the chronological information*

field is to store a date. See Mayo, Figure 12, item 126.

25.   In regard to claim 33, Ballard in view of Mayo is applied as in claim 32. Mayo further discloses

the network fault information processing criteria includes one or more network element fault types. See

Mayo, figure 12, item 126.

26.   Claims 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard.

27.   In regard to claims 11 and 13, Ballard is applied as in claim 1. Ballard discloses issuing

commands to a LCSM service system that contacts LCC components that include network devices.

Ballard, column 4, lines 50-68. Ballard fails to disclose attaching a server to a device, and further fails to

disclose that the server would store device fault information. It would have been obvious to one of

ordinary skill in the art at the time of the invention that one of the Ballard LCC link connection components

which would receive device-specific commands and return data responses could have been implemented

as a *server coupled to the network element, the server including the network element fault information*, based on well known in the art networking equipment at the time of the invention and the ease at which a server could be contacted with requests and the ease at which a server could transmit stored data such as fault information.

28.   In regard to claim 14, Ballard is applied as in claim 13. Ballard further discloses *instructions to summarize the identified network element fault information corresponding to one or more network element faults.* See Ballard, column 5, lines 1-4.

29.   In regard to claim 15, Ballard is applied as in claim 13. Ballard discloses a method of detecting network errors in devices. Such devices can include switches, as shown in the rejection of claim 12. Switches commonly deal with ports fluctuating in service based on faulty connections of equipment to each individual port. These are *transitions to down state* and *transitions to up state* as defined by the specification. Since Ballard can monitor a switch, then it would be obvious to one of ordinary skill in the art that Ballard could monitor any type of error a switch encounters, including port status fluctuations.

Conclusion

30.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rasmussen	U.S. Patent No. 5,84,072
Pascucci et al.	U.S. Patent No. 6,115,713
Nouri et al.	U.S. Patent No. 6,088,816
VanZante et al.	U.S. Patent No. 6,079,034
Nouri et al.	U.S. Patent No. 6,073,255
Horst et al.	U.S. Patent No. 6,157,967
Baskey et al.	U.S. Patent No. 6,321,350
Cidon et al.	U.S. Patent No. 6,269,330
McIntyre et al.	U.S. Patent No. 6,229,538
Lewis	U.S. Patent No. 6,205,563
Nouri et al.	U.S. Patent No. 6,138,250

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRS

PATRICE WINDER
PRIMARY EXAMINER